

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1, 3-14, 16-41, 43-47, 49-55, 59-70, 72-82, 84-108, 110-121 and 123-158 are currently pending. Claims 1, 3-14, 16-41, 43-47, 49-55, 59-70, 72-82, 84-108, 110-121 and 123-150 were rejected by the above-referenced Office Action, while Claims 151-158 were not addressed. No new matter has been entered.

I. Summary of Prosecution History

On 31 October 2007, Applicant filed an RCE and a Response to the outstanding Final Office Action, in which Claims 1, 3-14, 16-41, 43-47, 49-55, 59-70, 72-82, 84-108, 110-121 and 123-150 were pending. Applicant subsequently submitted on 1 November 2007 a Supplemental Response to the Final Office Action which added new Claims 151-158.

A Non-Final Office Action then issued on 30 January 2008. This Non-Final Office Action rejected Claims 1, 3-14, 16-41, 43-47, 49-55, 59-70, 72-82, 84-108, 110-121 and 123-150, but did not address new Claims 151-158.

II. Summary of Examiner Interview and follow-up

Applicant elected to discuss the outstanding Office Action with the Examiner via a first telephonic interview on 8 April 2008. Examiner Brown and Applicant's representative, Kelly Fitzgerald, participated in the interview. During the interview, Mr. Fitzgerald noted that the Office Action mailed on 30 January 2008 did not address Claims 151-158. Examiner Brown agreed to issue a new Office Action to address all pending claims, including new Claims 151-158. Examiner Brown further indicated that Applicant can ignore the Office Action mailed on

July 30, 2008

30 January 2008 and await a new Office Action. Unfortunately, no Interview Summary was issued by the USPTO for this first interview.

Mr. Fitzgerald attempted to follow-up with Examiner Brown on 21 May 2008 and left a voice mail inquiring into the status of the new Office Action. In response to the voice mail, Examiner Brown contacted Mr. Fitzgerald on 27 May 2008 and conducted a second Examiner Interview. During this interview, Examiner Brown indicated that the new Office Action is still forthcoming, and agreed to send out a correspondence indicating such. An Interview Summary for the 27 May 2008 interview, which reiterates the same points raised during the 8 April 2008 interview, was subsequently issued by the USPTO on 9 June 2008. For sake of convenience, a copy of the Interview Summary is included as Attachment A.

As of mid-July no new Office Action had yet been issued for the above-identified application. Accordingly, Applicant's attorney, Steven Thiel, attempted to contact Examiner Brown and left a voice mail inquiring into the status of the Office Action. Mr. Thiel and Examiner Brown subsequently discussed this matter on 29 July 2008, where Examiner Brown indicated that the case would not go abandoned and that he would get a new Office Action issued by 30 July 2008.

As of end of the day 30 July 2008, no new Office Action appears in the PAIR records for this application. As a precaution to the application being inadvertently abandoned, as recommended by one of the attorneys in the Petitions Office of the USPTO, Applicant is submitting this Response to the Non-Final Office Action.

III. Rejection of Claims under 35 U.S.C. 103(a)

Claims 1, 3-14, 16-41, 43-47, 49-55, 59-70, 72-82, 84-108, 110-121 and 123-150 were generally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,440,336 to Buhro in view U.S. Patent No. 5,818,512 to Fuller and U.S. Patent No. 6,266,817 to Fuller & Chadda, or unpatentable over a combination of Buhro, Fuller and Fuller & Chadda combined with additional prior art references. Based on the following remarks, Applicants respectfully traverse this rejection.

Independent Claim 1 calls for an apparatus for distribution of image, of either still or motion type, and audio information to a plurality of viewing locations, comprising, among other things:

means for independently receiving, at each of the plurality of viewing locations, at least one compressed and encrypted image file, which is associated with at least one corresponding image program, and a plurality of compressed and encrypted audio files, which are associated with a plurality of corresponding audio programs for presentation at at least one preselected later time, wherein

the at least one compressed and encrypted image file and the plurality of compressed and encrypted audio files are all associable using at least one identifier for each of the at least one compressed and encrypted image file and the plurality of compressed and encrypted audio files

(emphasis added).

In contrast to Claim 1, neither Buhro, Fuller nor the Fuller & Chadda reference disclose such an apparatus wherein at least one compressed and encrypted image file and a plurality of compressed and encrypted audio files are all associable using at least one identifier for each of the at least one compressed and encrypted image file and the plurality of compressed and encrypted audio files. For the above reason, Applicant believes that Claim 1, along with those claims dependent therefrom, are allowable over the cited prior art.

July 30, 2008

Independent Claims 70, 136 and 143 contain similar limitation to that emphasized above with respect to Claim 1. Accordingly, for reasons similar to those discussed with respect to Claim 1, Applicant believes that Independent Claims 70, 136 and 143, along with their dependent claims, are allowable over the cited prior art.

CONCLUSION

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Any fees associated with the filing of this paper should be identified in any accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 170026.

Respectfully submitted,

Dated: 30 July 2008

By: Steven R. Thiel
Steven R. Thiel
Reg. No. 53,685
Direct dial (858) 651-7298

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 651-7298
Facsimile: (858) 658-2502

Attachment A – Interview Summary dated 9 June 2008

Attachment A – Interview Summary dated 9 June 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/075,152	05/08/1998	STEVEN A. MORLEY	PA556	3246
23696 7590 06/09/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
			2623	
			NOTIFICATION DATE	DELIVERY MODE
			06/09/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com
kscanla@qualcomm.com
nanm@qualcomm.com

Interview Summary	Application No.	Applicant(s)	
	09/075,152	MORLEY ET AL.	
	Examiner	Art Unit	
	REUBEN M. BROWN	2623	

All participants (applicant, applicant's representative, PTO personnel):

- (1) REUBEN M. BROWN. (3) _____
 (2) Mr. Fitzpatrick. (4) _____

Date of Interview: 27 May 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
 If Yes, brief description: _____

Claim(s) discussed: 151-158.

Identification of prior art discussed: None.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Confirmed an earlier discussion with Mr. Fitzpatrick that the Office Action mailed 1/30/08 did not address the claims added in a supplemental amendment, which added claims 151-158, filed 11/1/2007. Examiner will issue a new Office Action addressing the instant claims.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Reuben M. Brown/
 Patent Examiner, Art Unit 2623

Examiner Note: You must sign this form unless it is an
 Attachment to a signed Office action.

Examiner's signature, if required